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**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH, CENTRAL DIVISION**

ALPINE SECURITIES CORPORATION, a  
Utah corporation,

Plaintiff,

v.

FINANCIAL INDUSTRY REGULATORY  
AUTHORITY,

Defendant.

**NOTICE OF WITHDRAWAL OF  
PLAINTIFF'S MOTION FOR  
PRELIMINARY INJUNCTION,  
WITHOUT PREJUDICE**

Case No. 2:20-cv-00794-DBB

Judge David B. Barlow

Plaintiff Alpine Securities Corp. (“Alpine”), by and through counsel of record, and in accordance with the Court’s Docket Text Order dated November 19, 2020 (ECF No. 20), hereby gives Notice of its Withdrawal of its Motion for Preliminary Injunction, without prejudice to it being refiled at a later date. The basis and grounds for this Notice of Withdrawal are as follows:

1. On November 2, 2020, the Chief Hearing Officer for FINRA *sua sponte* issued an order that a pending FINRA hearing be completed by remote videoconferencing through Zoom on November 30, 2020.

2. On November 3, 2020, the Hearing Officer presiding over Alpine’s case issued an order implementing the November 2, 2020 Chief Hearing Officer Order, directing the parties to resume the hearing on November 30, 2020 by videoconference on Zoom.

3. Alpine commenced this instant action in this Court by filing a Complaint against FINRA on November 10, 2020 (ECF No. 2) and filed a Motion for Preliminary Injunction on November 10, 2020, asking this Court to enjoin FINRA from conducting the remainder of Alpine’s pending disciplinary hearing by remote means (ECF No. 4-6).

4. After Alpine commenced this action and sought a preliminary injunction, on the evening of November 16, 2020, the Hearing Officer presiding over the FINRA disciplinary hearing issued an Order Postponing Hearing Date and Requiring Briefing (“Post-Filing Order”). This Post-Filing Order postponed the resumption of the FINRA disciplinary hearing set for November 30, 2020, and ordered the parties to submit briefing on the issue of whether the Chief Hearing Officer should reconsider the November 2, 2020 Order converting the hearing to video conferencing. A copy of the Hearing Officer’s Post-Filing Order is attached hereto as Exhibit 1.

5. As a result of the Hearing Officer’s Post-Filing Order, Alpine no longer faces the imminent harm – the resumption of the November 30, 2020 FINRA hearing by Zoom – that triggered

the filing of the emergency Motion for Preliminary Injunction. For this reason, Alpine is hereby withdrawing its Motion for Preliminary Injunction, without prejudice to it being re-filed.

6. Alpine is also concurrently filing a Response Regarding its Motion for Preliminary Injunction that further addresses the withdrawal of its Preliminary Injunction Motion, and certain procedural arguments FINRA made in its Opposition Memorandum.

DATED this 19th day of November, 2020.

**PARSONS BEHLE AND LATIMER**

/s/ Aaron D. Lebenta

Aaron D. Lebenta  
*Counsel for Plaintiff*

**MARANDA FRITZ, P.C.**

/s/ Maranda E. Fritz

Maranda E. Fritz

*Counsel for Plaintiff*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 19th day of November 2020, I electronically filed a true and correct copy of the foregoing **NOTICE OF WITHDRAWAL OF PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION, WITHOUT PREJUDICE** with the Clerk of Court using the CM/ECF system, which sent notification to all counsel of record.

/s/ Aaron D. Lebenta